

### REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has amended Claims 1, 10, 15 and 16 and added Claims 19-24. Applicant respectfully submits that these amendments do not add new matter. Thus, Claims 1, 2, 6, 7, 10, 11, 15, 16 and 19-24 remain pending in this application. This application has been carefully reviewed in light of the Official Action mailed January 4, 2006. Applicant respectfully requests reconsideration and favorable action in this case.

#### Rejections under 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended Claim 15. Accordingly, Applicant believes this rejection is now moot. Therefore, Applicants therefore respectfully request the Examiner withdraw the rejection.

#### Rejections under 35 U.S.C. § 103

##### Claims 1, 6, 7, 10, 15 and 16

Claims 1, 6, 7, 10, 15 and 16 stand rejected as obvious over U.S. Patent No. 6,078,892 ("Anderson") in view of U.S. Patent No. 6,430,539 ("Lazarus"). Applicant respectfully traverses this rejection.

##### Overview of the Invention

Claim 1, as amended, recites:

A method of predicting a business potential for a first customer comprising: accessing data stored on a computer-readable medium regarding the first customer of a particular vendor wherein the data pertains to one or more transactions between the first customer and the particular vendor; and assigning a value for the business potential for the first customer, wherein the value is a function of at least a behavior for a group of other individuals in a population and is based at least in part on the data, and wherein the business potential measures a potential transaction quantity for the first customer with respect to the particular vendor.

Thus, embodiments of the present invention provide a method of predicting business potential for a particular customer with respect to a particular vendor. Embodiments of this method may be accomplished by accessing data regarding a customer's transaction(s) with a particular vendor, and assigning a value for the business potential of that customer, where the value is a function of at least a behavior for a population, based at least in part on the accessed data. A customer's business potential may measure a potential transaction quantity which, for example, may be a potential purchasing amount for the customer. More particularly, this potential transaction is measured for the customer with respect to the particular vendor. Thus, the business potential may measure a customer's spending potential with respect to the particular vendor, using data collected on the customer's transaction with the particular vendor.

More specifically, embodiments of the present invention may access data regarding a particular customer's transactions with a particular vendor. A set of group profiles may then be generated from data regarding all, or a large set of, customer transactions with the particular vendor which may or may not involve the particular customer. The particular customer may then be associated with a group profile based on the data pertaining to the particular customer's transactions with the particular vendor. Based on this association, a value for the business potential for the particular customer may be assigned, wherein the business potential measures a potential transaction quantity available for the first customer with respect to the particular vendor.

Furthermore, the group profiles may be generated using a model, such as a geographic model. By using a model, customer data, such as geographical location, may be utilized to assign a customer to a group profile, and thus the business potential of a customer to be assigned based on customer data, such as their geographic location, zip code, etc.

#### Anderson

In contrast to the claimed limitations, Anderson recites a method for ordering customer records to determine their relevance to a particular item of interest. The method of Anderson includes searching customer records stored in a marketing database and assigning a score for the customer, where the score corresponds to a particular item or service. Thus, the method of Anderson appears to describe a method for determining the likelihood a customer will be attracted to purchase a particular item, not the amount of money (or other transaction quantity) the customer has to spend with respect to a particular vendor.

Using an example from Anderson, given a 15 year old male from New York, a product affinity model would say that such a customer has more interest in a skateboard (i.e., has a 90 score) than an 80 year old female from a rural town (i.e., who has 10 score). The 90 and 10 scores however do not say anything about the business potential for either user to actually purchase the skateboard. In other words, neither score provides a measure of the transaction quantity the customer potentially has to spend (i.e., the 15 year old's relative interest in the skateboard does not tell whether he actually has the business potential to purchase the skateboard). Similarly, the scores are directed to a relative interest in a product, not a particular vendor.

Accordingly, Applicant respectfully submits that Anderson does not disclose at least assigning a value for the business potential for the first customer wherein the business potential measures a potential transaction quantity available for the first customer with respect to the particular vendor, wherein the assignment of the business potential is based at least in part on data pertaining to one or more transactions between the first customer and the particular vendor.

#### Lazarus

Lazarus recites a method for predictive modeling of consumer financial behavior, however, the method of Lazarus creates groupings of merchants (referred to as merchant segments or clusters) based on the timing of the shopping occurring at different merchants. (See Lazarus, Col. 3, Lines 15-25) To predict financial behavior a consumer profile is input into a predictive model for the different merchant clusters, the result of which is a prediction of the amount of money that the consumer is likely to spend in each merchant cluster. (See Lazarus, Col. 4, Lines 37-45) Thus, the spending patterns of different consumers are used to group various merchants into merchant clusters. A prediction may then be made as to spending with respect to a particular consumer across merchant segments.

As Lazarus determines merchant segments by the co-occurrence of purchases at different merchants, and determines the spending potential of a customer with respect to merchant segments, Applicant respectfully submits that Lazarus does not disclose at least assigning a value for the business potential for the first customer wherein the business potential measures a potential transaction quantity available for the first customer with respect to the

particular vendor, wherein the assignment of the business potential is based at least in part on data pertaining to one or more transaction between the first customer and the particular vendor.

#### Discussion

To establish a prima facie case of obviousness three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See M.P.E.P. 2143) Applicant respectfully submits that the combination of the Anderson and Lazarus references do not teach or suggest all the claim limitations of Claim 1.

Specifically, Applicant submits that the Anderson and Lazarus references, either alone or in combination, do not disclose at least assigning a value for the business potential for the first customer wherein the business potential measures a potential transaction quantity available for the first customer with respect to the particular vendor, wherein the assignment of the business potential is based at least in part on data pertaining to one or more transactions between the first customer and the particular vendor. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claim 1.

Furthermore, as Claims 10 recites similar limitations to Claim 1, and Claims 6, 7, 15 and 16 are dependent on Claims 1 or 10, Applicant respectfully submits that these claims are allowable for at least the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claims 6, 7, 10, 15 and 16 as well.

#### Claims 2 and 11

Claims 2 and 11 stand rejected as obvious over U.S. Patent No. 6,078,892 ("Anderson") in view of U.S. Patent No. 6,430,539 ("Lazarus") and *Relationship in Relationship Marketing* ("Novo"). However, as discussed above, the combination of the Anderson and Lazarus references do not teach or suggest all the limitations of independent Claim 1, from which Claims 2 and 11 depend. Therefore, Applicant submits that Anderson, Lazarus and Novo,

either alone or in combination, do not recite all the limitations of Claim 2 and 11. Accordingly, withdrawal of the rejection of Claims 2 and 11 is respectfully requested.

Newly Added Claims 19-24

Claims 19-24 have been newly added to more distinctly point out and claim embodiments of the present invention. Applicant respectfully submits that these added claims do not add new matter. Applicant believes that these newly added claims are allowable, and respectfully requests full allowance of newly added Claims 19-24.

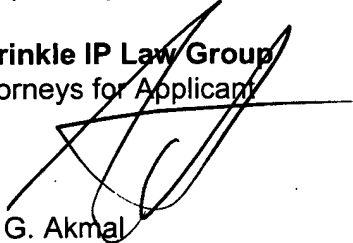
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1, 2, 6, 7, 10, 11, 15, 16 and 19-24. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

**Sprinkle IP Law Group**  
Attorneys for Applicant

  
Ari G. Akmal  
Reg. No. 51,388

Date: March 24, 2006

1301 W. 25<sup>th</sup> Street, Suite 408  
Austin, TX 78705  
Tel. (512) 637-9220  
Fax. (512) 371-9088